

Notice of Allowability

Application No.

09/547,243

Applicant(s)

HOBBS ET AL.

Examiner

Art Unit

Dwin M. Craig

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/2/2006.
2. ☒ The allowed claim(s) is/are 1-9,11-33,35-57 and 59-74.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

And

Examiner's Reasons for Allowance

1. Claims 1-9, 11-33, 35-57 and 59-74 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

- 2.1 As regards independent claims 1, 25, 49, 73 and 74 the Examiner provides the following reasons for allowance:

While US Patent 6,747,662 *Masuda*, teaches, *a computer-implemented method for enabling design of a product having a visual effect caused by an additive, the method comprising: obtaining information relative to the additive; and providing a representation of the product having the visual effect based in the information relating to the additive*, the Examiner notes that *Masuda* fails to teach or suggest, *determining the ingredients and concentrations for providing the product having the visual effect*, specifically including:

(claim 1) "...determining ingredients and concentrations for providing the product having the visual effect..."

(claim 25) "...wherein said at least one processor is adapted to determine ingredients and concentrations for producing the product having the visual effect..."

(claim 49) "...determining ingredients and concentrations for producing the product having the visual effect..."

(claim 73) "...determining ingredients and concentrations for providing the product having the visual effect..."

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(claim 74) "...determining ingredients and concentrations for providing the product having the visual effect...", **in combination with the remaining elements and features of the claimed invention.** It is for these reasons that the applicants' invention defines over the prior art of record.

2.2 As regards independent claims 12, 36 and 60 the Examiner provides the following reasons for allowance:

While US Patent 6,996,509 *Strumolo* teaches, *a method for design of a product having a visual effect* (Figures 1-13 and Col. 4 lines 43-67, Col. 5 lines 1-67), **none of the references taken alone or in combination with the prior art of record disclose**, enabling design of a product having a visual effect caused by an additive and further, getting data input from a user at a user computer and receiving result data from a server computer over a network, specifically including:

(claim 12) "...obtaining information relating to the additive from a first user at a first computing unit coupled via a communications network..." and "...providing from the second computing unit a representation of the product having visual effect for display on the first computing unit based on the information relating to the additive..."

(claim 36) "...means for obtaining information relating to the additive from a first user at a first computing unit coupled via a communications network..." and "...means for providing from the second computing unit a representation of the product having visual effect for display on the first computing unit based on the information relating to the additive..."

(claim 60) "...computer readable code means for causing a first computing unit to obtain information relating to the additive from a first user at the first computing unit coupled via a

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communications network to a second computing unit...” and “...computer readable program code means for causing the second computing unit to provide a representation of the product having the visual effect for display on the first computing unit based on the information relating to the additive...”, **in combination with the remaining elements and features of the claimed invention.** It is for these reasons that the applicants’ invention defines over the prior art of record.

2.3 Dependent claims 2-9, 11, 13-24, 26-33, 35, 37-48, 50-57, 59 and 61-72 are allowed for at least the reason they are dependent upon an allowed base claim.

2.4 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

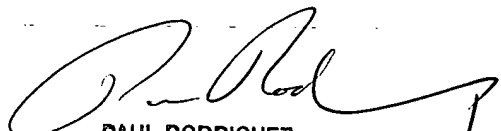
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwain M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached⁶ on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Paul L. Rodriguez can be reached on (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMC


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7/14/06